

Douglas A. Prutton, State Bar No. 118300
LAW OFFICES OF DOUGLAS A. PRUTTON
1985 Bonifacio Street, Suite 101
Concord, CA 94520
(925) 677-5080
(925) 677-5089 (fax)
doug@pruttonlaw.com

Attorney for Plaintiff
Diane Slater

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DIANE SLATER,

CASE NO. 23-cv-03703-JD

Plaintiff,

VS

**PLAINTIFF'S NOTICE OF ELECTION
TO CONTINUE ACTION PURSUANT
TO 12 USC 1821(D)(6)**

FDIC AS RECEIVER FOR FIRST REPUBLIC
BANK.

Defendant

Defendant

TO THE COURT AND DEFENDANT FDIC AS RECEIVER FOR FIRST REPUBLIC
BANK:

PLEASE TAKE NOTICE that plaintiff Diane Slater hereby elects to continue this action pursuant to 12 USC 1821(d)(6) following the FDIC's notice of disallowance of plaintiff's claim dated December 26, 2023, a true and correct copy of which is attached to this notice.

The current action was stayed by the Court in order for the FDIC to process plaintiff's claim. On December 26, 2023 the FDIC issued a notice disallowing plaintiff's claim. 12 USC

1281(d)(6) provides that following such a disallowance, the claimant has 60 days from the notice
of disallowance to either commence a lawsuit, or to continue a lawsuit that was pending at the
time the defendant went into receivership. In the present case, the lawsuit was pending when
First Republic Bank went into receivership. Thus, plaintiff is providing notice that she wishes to
continue the lawsuit now that the FDIC has disallowed her claim.

Plaintiff requests the Court to lift the current stay and to schedule a status conference so
that the case can get back on track.

LAW OFFICES OF DOUGLAS A. PRUTTON

Dated: 1/8/2024



Douglas A. Prutton
Attorney for Plaintiff Diane Slater

**Federal Deposit Insurance Corporation**

December 26, 2023

DIANE SLATER
C/O DOUGLAS A. PRUTTON
LAW OFFICES OF DOUGLAS A. PRUTTON
1985 BONIFACIO STREET, SUITE 101
CONCORD, CA 94520

SUBJECT: **10543 – First Republic Bank**
San Francisco, CA – In Receivership
Claimant ID: **NS10543006361**
Claim Amount: **\$433,631.26**

NOTICE OF DISALLOWANCE OF CLAIM

Dear Claimant:

The FDIC as Receiver for **First Republic Bank** has reviewed your general unsecured claim ("claim") against the receivership. After a thorough review of your filed claim along with your supporting documentation, the Receiver has determined to disallow your claim for the following reason(s):

Your claim is disallowed as not proven to the satisfaction of the Receiver.

Pursuant to 12 U.S.C. Section 1821(d)(6), if you do not agree with this disallowance, you have the right to file a lawsuit on your claim (or continue any lawsuit commenced before the appointment of the Receiver). Your lawsuit must be filed within 60 days after the date of this notice. You must file your lawsuit either in the United States District (or Territorial) Court for the District where the Failed Institution's principal place of business was located or in the United States District Court for the District of Columbia.

Lawsuits: If you do not file a lawsuit (or continue any lawsuit commenced before the appointment of the Receiver) before the end of the 60-day period, the disallowance of your claim will be final and you will have no further rights or remedies with respect to your claim. 12 U.S.C. 1821(d)(6)(B)(ii).

While section 1821(d)(7)(A) of Title 12 of the United States Code provides that you may request an administrative review of the disallowance of your claim in lieu of filing or continuing any lawsuit, the FDIC must agree to your request for such a review. The FDIC will not agree to any request for an administrative review of your disallowed claim.

Insured Deposit Claims: Claims for insured deposits are claims against FDIC in its corporate capacity as deposit insurer - not against the Receiver. If any portion of your claim is for an insured deposit, your rights differ from the rights described in the preceding paragraphs. An insured depositor's rights are set forth in 12 U.S.C. Section 1821(f). Please contact a claims agent at the below phone number for deposit claims inquiries.

If you have any questions about this letter, please contact the undersigned at **(972) 761-8677**.

Sincerely,

CLAIMS AGENT
Claims Department

1
2 **CERTIFICATE OF SERVICE**
3

4 I declare that I am a citizen of the United States or employed in the County of Contra
5 Costa, California, over the age of 18 years, and not a party to the within entitled action. I am an
6 employee of the Law Offices of Douglas A. Prutton, and my business address is 1985 Bonifacio
7 Street, Suite 101, Concord, California 94520, telephone number (925) 677-5080, facsimile
number (925) 677-5089.

8 On **January 8, 2024** I served the following described documents:

9 **PLAINTIFF'S NOTICE OF ELECTION TO CONTINUE ACTION PURSUANT TO 12**
10 **USC 1821(d)(6)**

11 by delivering a true copy as follows:

12 **By Electronic Mail** – On January 8, 2024 I attached the documents described above in an e-
13 mail transmission to attorneys Brian T. Ashe and Daniel C. Fleming at the following email
14 addresses:

15 Brain T. Ashe
16 SEYFARTH SHAW LLP
17 550 MISSION STREET, SUITE 3100
18 SAN FRANCISCO CA 94105
19 bashe@seyfarth.com

20 Daniel C. Fleming
21 WONG FLEMING P.C.
22 821 Alexander Road, Suite 200
23 Princeton, NJ 06540
24 dfleming@wongfleming.com

25 I declare under penalty of perjury that the foregoing is true and correct and that this
declaration was executed on **January 8, 2024** at Concord, California.

26
27 
28 Douglas A. Prutton
29